THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24294 of 2007

Between:

Koratana Satyavathi and others.

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PETITIONERS

and

The Joint Collector and others.

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RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24294 of 2007

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ORDER:

Petitioners seek to issue a Writ of Mandamus declaring the action of the 1st respondent in not conducting enquiry as contemplated under the Andhra Pradesh (Andhra Area) Estates Abolition and Conversion into Ryotwari Act, 1948, (for short "the Act"), as illegal and arbitrary and consequently direct the 1st respondent to adjudicate the rival claims of the petitioners and respondents 3 and 4 in respect of the land admeasuring Ac.22-83 cents in Sy.Nos.122/1 to 5 situated at Neliparthi Village, Salur Mandal, Vizianagaram District, in accordance with the provisions of the Act.

Admittedly, an enquiry is pending for adjudication of the rival claims in proceedings in Rc.Nos.1244/05/F2 and 2589/07/F2 on the file of the 1st respondent.

It is the case of the petitioners that pursuant to the notices, dated 14-09-2007, in the aforesaid proceedings, when the petitioners approached before the 1st respondent along with the documentary evidence, he refused to receive the same and also refused to receive the oral evidence.

I am not inclined to accept the said allegation, as there is no material to prove the said allegation. In fact, a perusal of the notices goes to show that the petitioners and respondents 3 and 4 are asked to adduce both oral and documentary evidence in support of their claims for deciding the dispute.

If that be so, I am of the opinion that if the 1st respondent refused to receive the documentary evidence, the petitioners could have sent it by registered post or any other means. But, without filing any protest application and without sending the documentary evidence by any other means, it cannot be said that the 1st respondent is refusing to receive the documentary evidence.

Having regard to the facts and circumstances of the case, the writ petition is disposed of permitting the petitioners to file a representation before the 1st respondent by enclosing relevant documents with a request to give reasonable opportunity to adduce oral evidence also. If any such representation is received by the 1st respondent, the 1st respondent may

consider the same while conducting enquiry. There shall be no order as to costs.

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16-11-2007

Note:

Issue C.C. in three days

(B/o)

Prv